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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

IN THE MATTER OF:

Environmental Protection Agency,

Complainant,

v.

Pacific Wood Treating Corporation,  
EPA ID No. WAD0098036906,

Respondent.

No. RCRA-1085-09-26-3008P

COMPLAINANT'S RESPONSE TO  
RESPONDENT'S MOTION FOR  
DISMISSAL OR ALTERNATIVELY  
FOR AN ACCELERATED DECISION



Pursuant to Section 22.16 of the Consolidated Rules of Practice, 40 CFR §22.16, and the Court's Order of May 9, 1986, Complainant Environmental Protection Agency ("EPA") hereby responds in opposition to Respondent's Motion for Dismissal or Alternately for an Accelerated Decision. EPA bases its response on the assertion that all elements required under Section 3008 of the Resource Conservation and Recovery Act, as amended ("RCRA") were met in the filing of this action, and that the criteria of In the Matter of BKK Corporation, No. RCRA (3008) Appeal 84-5, altered as to precedential effect, Administrator's Order of October 23, 1985, should not be applied to this action. Complainant asserts that no adequate grounds for estoppel are present in this action.

1 Complainant further maintains that the violations of applicable  
2 regulations at the landfill in question are obvious, substantial,  
3 and adequately supported by accompanying documentation and  
4 affidavits.

5 This Response in Opposition is based upon the accompanying  
6 Memorandum in Support of Response, which is incorporated herein  
7 by reference, and by the affidavits attached hereto, which are  
8 also incorporated by reference.

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10 Respectfully submitted this 20 day of June, 1986.

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12 D. Henry Elsen

13 D. Henry Elsen  
14 Assistant Regional Counsel  
15 EPA Region 10  
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